

ALAN R. BRAYTON, ESQ., S.B. #73685  
 DAVID R. DONADIO, ESQ., S.B. #154436  
 BRAYTON ♦ PURCELL LLP  
 Attorneys at Law  
 222 Rush Landing Road  
 P.O. Box 6169  
 Novato, California 94948-6169  
 (415) 898-1555  
 (415) 898-1247 (Fax No.)

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS LIABILITY  
 LITIGATION (NO. VI),

Civil Action No. MDL. 875

This document relates to James Guthrie, Tony  
 Davidson, Ronald Zerangue, Samuel Rester,  
 John Gray, Elmer Parolini, Wayne Dufault, Jesse  
 Beverly, Jr. v. General Electric Company, Todd  
 Shipyards Corporation, Lockheed Martin  
 Corporation, Raytheon Aircraft Company,  
 McDonnell Douglas Corporation, United States  
 District Court for the Northern District of  
 California, Case No.C07-2542-JL , Filed May  
 14, 2007.

STATEMENT OF CASE STATUS AS  
 TO PLAINTIFF James C. Guthrie

Pursuant to Administrative Order No. 12 of May 31, 2007, the above-referenced plaintiff  
 makes the following statements:

1. SUBMISSION OF IDENTIFICATION INFORMATION

Plaintiff (full name): James C. Guthrie;

Date of Birth: December 15, 1933;

Last four digits of plaintiff's social security number: 2708;

Plaintiff is a: asbestos-related injury victim. (The person who suffered the asbestos-  
 related injury was James C. Guthrie).

2. SUBMISSION OR RELATED COURT ACTIONS

Plaintiff identifies the following related actions, the status of each of the following being

"pending" in the court unless otherwise indicated; with additional information on these related action(s) attached hereto and incorporated herein by this reference:

James C. Guthrie v. Asbestos Defendants, San Francisco Superior Court of the State of California, Case No. 458516. Claim of the Asbestos Injured Party for his personal injury. This case is active, pre-trial.

3. SUBMISSION OF STATEMENT OF CASE STATUS

A. Plaintiff identifies the following defendants as non-bankrupt and unsettled the above stated plaintiff has pled against: GENERAL ELECTRIC COMPANY

B. Plaintiff has achieved resolution of plaintiff's claim with the following defendants: Not applicable.

C. Plaintiff now desires to dismiss from Plaintiff's action the following Defendants: Not applicable.

D. Plaintiff identifies the following defendant(s) as currently in bankruptcy: Not applicable.

4. SUBMISSION OF MEDICAL REPORTS

Plaintiff submits that attached medical diagnosing report / opinion based upon objective and subjective data which is identified and descriptively set out within the report / opinion which will withstand a dispositive motion, and is based on objective and subjective data which is identified and descriptively set out within the report / opinion.

5. ALTERNATIVE PLAINTIFF SUBMISSION

Not Applicable.

6. TIMING REOUIREMENTS

Above plaintiff's action was filed on May 14, 2007 making this submission due on or before August 1, 2007.

7. SCREENED CASES

Plaintiff's claims are not the result of a mass screening.

8. EXCLUSIONS

This case is not designated as 2MDL 875 (MARDOC).

1 9. SETTLEMENT CONFERENCE / SUGGESTIONS OF REMAND


2 Plaintiff asks that a settlement conference be set in this matter and seeks remand of this  
3 case back to the originating court.

4 10. MANNER OF SUBMISSIONS

5 In accordance with FRCivP Rule 5, a copy of the foregoing submission is served upon all  
6 parties in this above-identified action (Case No.C07-2542-JL) pursuant to the local rules of the  
7 United States District Court for the Northern District of California, upon filing with that Court,  
8 using that Court's transmission facilities by means of the Court's CM/ECF (Case Management /  
9 Electronic Case Filing) system.

10 Dated: 7/18/07

BRAYTON ♦ PURCELL LLP

11  
12 By:   
13 David R. Donadio  
14 Attorneys for Plaintiff James C. Guthrie  
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DEFENDANTS IN RELATED COURT ACTION

ALLIS-CHALMERS CORPORATION PRODUCT LIABILITY TRUST  
ASBESTOS CORPORATION LIMITED  
CLEAVER-BROOKS, INC.  
BUCYRUS INTERNATIONAL, INC.  
CROWN CORK & SEAL COMPANY, INC.  
THOMAS DEE ENGINEERING CO., INC.  
DURAMETALLIC CORPORATION  
FOSTER WHEELER LLC  
GARLOCK SEALING TECHNOLOGIES, LLC  
HAMILTON MATERIALS, INC.  
KAISER GYPSUM COMPANY, INC.  
OWENS-ILLINOIS, INC.  
PARKER-HANNIFIN CORPORATION  
PLANT INSULATION COMPANY  
QUINTEC INDUSTRIES, INC.  
RAPID-AMERICAN CORPORATION  
R.F. MACDONALD CO.  
THORPE INSULATION COMPANY  
UNION CARBIDE CORPORATION  
UNIROYAL HOLDING, INC.  
VIACOM, INC.  
WESTERN MacARTHUR COMPANY  
MacARTHUR COMPANY  
WESTERN ASBESTOS COMPANY  
IMO INDUSTRIES, INC.  
INDOPCO, INC.  
MOORE SECURITIES COMPANY  
VERITAS CONSTRUCTION, INC.  
HOPEMAN BROTHERS, INC.  
J.T. THORPE & SON, INC.  
BURLINGTON NORTHERN SANTA FE CORPORATION  
METROPOLITAN LIFE INSURANCE COMPANY  
GATKE CORPORATION  
AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.  
UNDERWRITERS LABORATORIES, INC.  
PNEUMO ABEX LLC  
and DOES 1-8500,

Defendants.

James Guthrie vs. Asbestos Defendants (B♦P)  
San Francisco Superior Court

# **JAMES V. SCUTERO, M.D.**

Pulmonary Disease, Inhalation Allergies, and Occupational Pulmonary Medicine

November 1, 2001

**James V. Scutero M.D.**  
Occupational Pulmonary Medicine

3100 London Blvd.  
Suite #4  
Portsmouth, VA 23707

Phone 24 Hrs 757-393-6069  
Fax Line 757-397-7561

Mr. Richard Serpe  
Glasser & Glasser  
Crown Center  
Suite 600  
580 East Main Street  
Norfolk, VA 23510

Dear Mr. Serpe:

Re: James C. Guthrie

At your request, I have reviewed the report on James C. Guthrie. I do make the diagnosis of asbestosis in this case based upon a reasonable degree of medical certainty.

Sincerely,

  
James V. Scutero, M.D.

JVS/rle

*Pulmonary, Asbestos Lung Disease*  
**JAMES V. SCUTERO, M.D.**

Pulmonary Disease, Inhalation Allergies, and Occupational Pulmonary Medicine

November 1, 2001

# ASBESTOS EVALUATION IN THE CASE OF James C. Guthrie

**HISTORY:** Mr. Guthrie is a 67-year-old male who states that his first job was in the Navy in 1952. He worked there for three years as an engineman. He states that he did work in the engine rooms. He did repairs at sea in the engine room. It was his job to remove and apply asbestos as needed to get to the areas that needed to be worked on. For about four months, the ships that he was on did go into shipyards for major overhauls. When they did this, he worked along side of the shipyard workers and states that he was again exposed heavily to asbestos insulation dust doing this work. In 1955, he went to work doing basically steel work until 1959. At that time, he was in Kansas City, Missouri and began working for the Housing Authority in Kansas City. He states that he worked in power plants about one-third of his time while working there. He worked there a total of 7 ½ years. He states about one-third of the time was spent in power plants. He overhauled the furnaces. He did preventive maintenance on the pipes and boilers. He states it was a very dusty environment. In 1966, he went to work at Hercules Powder. He worked there for 2 ½ years. He states in that job he did encounter a great deal of insulated pipes. He states that men were working on these pipes on an almost continuous basis. These pipes were insulated pipes. As the men worked on the pipes, a great deal of dust was produced, and this was insulation dust. From 1969-1994, he worked as a general contractor building houses and did not have exposure to asbestos at that time. He smoked for about five years in the early 1960s. He states that he smoked about 5-6 cigarettes a day at that time. He has had multiple bouts of what he calls pneumonia. Many of these bouts were diagnosed by physicians without chest x-rays. He states that the last time he had pneumonia was in 1996. This was diagnosed by x-ray, and he was told that he had "double pneumonia." He has had four cases of pneumonia that were documented by x-ray. In 1998, he had a myocardial infarction. In 1970, he was hospitalized for pneumonia. He has a "nervous condition" that caused him to leave the service after three years. He states that many years ago he did live with a man who developed tuberculosis. He was tested, and he had no active disease at that time. At the present time, his only medication is antihistamines and Albuterol spray.

**PHYSICAL EXAMINATION:** Weight 158; height 64.5"; blood pressure 164/83; pulse 70. Examination of the head, eyes, ears, nose and throat was unremarkable. Examination of the chest and lungs was clear to auscultation and percussion. Examination of the heart revealed a regular rhythm. There were no murmurs, rubs or gallops. Examination of the abdomen was soft. Liver and spleen were not palpably enlarged. Bowel sounds were normoactive. No bruits were heard over the abdomen.

**LABORATORY:** Pulmonary Function Studies were normal. Chest x-ray revealed increased markings at both bases of the lung consistent with pulmonary fibrosis. There is a B-reading done by Dr. Richard Bernstein on a film dated 4/27/01 which is interpreted as showing parenchymal abnormalities consistent with pneumoconiosis at the bases of both lungs with a profusion intensity of 1/1. In addition, pleural thickening was detected in both the right and left diaphragms.

**ASBESTOS EVALUATION IN THE CASE OF James C. Guthrie**

**IMPRESSION:** Based upon these data, that is, the work history as noted above and chest x-ray findings of pulmonary fibrosis, it is my opinion that Mr. James Guthrie has asbestosis. The patient is aware of the fact that he is at increased risk for the development of cancer of the lung and cancer of the lining of the lung. He is aware of the fact that he may develop progressive problems with shortness of breath through the years because of his asbestosis. It was recommended that he be seen on a regular basis because of the potential complications of his asbestosis as outlined above.



James V. Scutero, M.D.

JVS/rle

JAMES V. SCUTERO, M.D.  
3100 LONDON BLVD. SUITE 4  
PORTSMOUTH, VIRGINIA 23707

PT#: 510302708  
JAMES C. GUTHRIE

AGE: 67 SEX: M HT: 64.5 in WT: 158.0 lb DATE: 11/01/2001 TIME: 10:30:37  
PHYSICIAN: JAMES SCUTERO, M.D. TECH: ELAINE MANN

		Pre-Drug* Avg		
		ACTUAL	%PRED	PREDICTED
Lung Volumes				
C	(L)	2.47	76	3.23
V	(L)	0.81	73	1.11
	(L)	2.59	103	2.52
	(L)	1.66	78	2.12
	(L)	3.40	94	3.64
C	(L)	5.06	88	5.75
Equil.	(MIN)	3.00		
/TLC	(%)	33	89	37

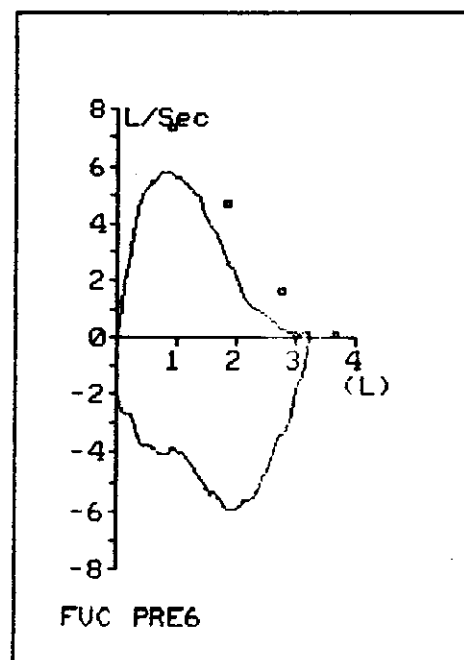
		Pre-Drug* Std		
		ACTUAL	%PRED	PREDICTED
Diffusion				
b ml/min/mmHg		24.13	100	24.19
O ml/min/mmHg		23.92	99	24.19
(rb) (L)		4.95	86	5.75
(sb) (L)		4.99	87	5.75
VA		4.83	115	4.21
(gm/100ml)		14.90		

		Pre-Drug*		
		ACTUAL	%PRED	PREDICTED
Pirometry				
C	(L)	3.20	88	3.64
V1	(L)	2.52	100	2.53
V3	(L)	2.95	84	3.53
F25-75%	(L/S)	2.29	91	2.53
F50%	(L/S)	3.63	79	4.57
V1/FVC	(%)	79	114	70
V3/FVC	(%)	92	95	97

NORMAL FLOWS.  
NORMAL VOLUMES.  
NORMAL FLOW VOLUME LOOP.  
NORMAL DIFFUSION CAPACITY.  
NORMAL STUDY.

NO PREVIOUS STUDIES.

NS

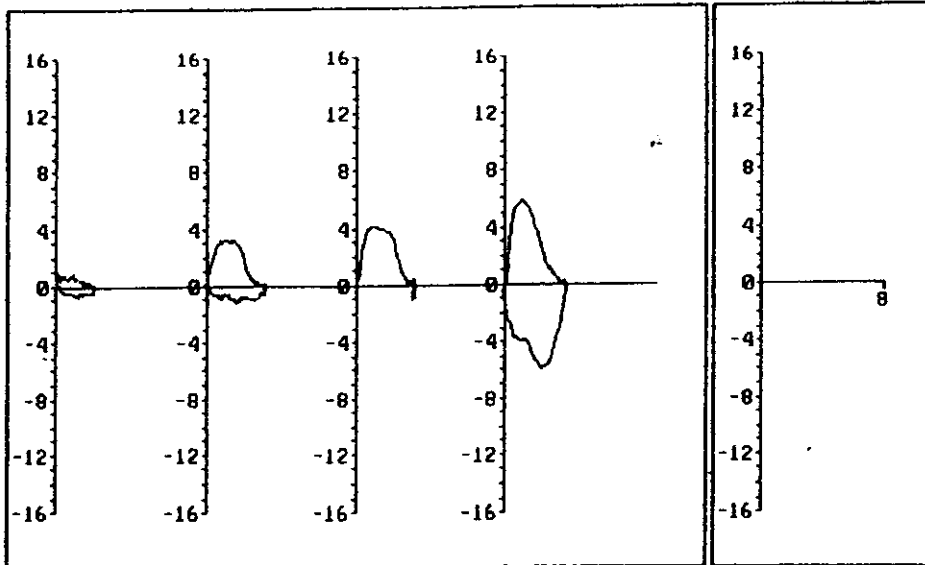




Pl. Name: GUTHRIE  
Pre-Drug

Pl. ID: 510302700

Date: 11/01/2001  
Set # : 0

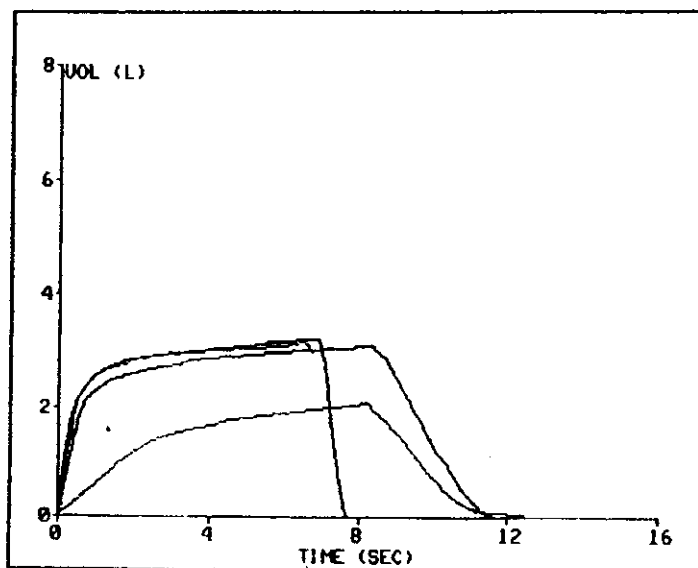


Effort	FVC	FEV1	FEV1%	F25/75	PEFR
Pred	3.64	2.53	69	2.53	7.90
3	2.07	0.59	28	0.44	0.88
4	3.09	2.31	74	1.64	3.06
5	3.13	2.57	82	2.67	4.00
6 BEST	3.20	2.52	78	2.29	5.70

Pl. Name: GUTHRIE  
Pre-Drug

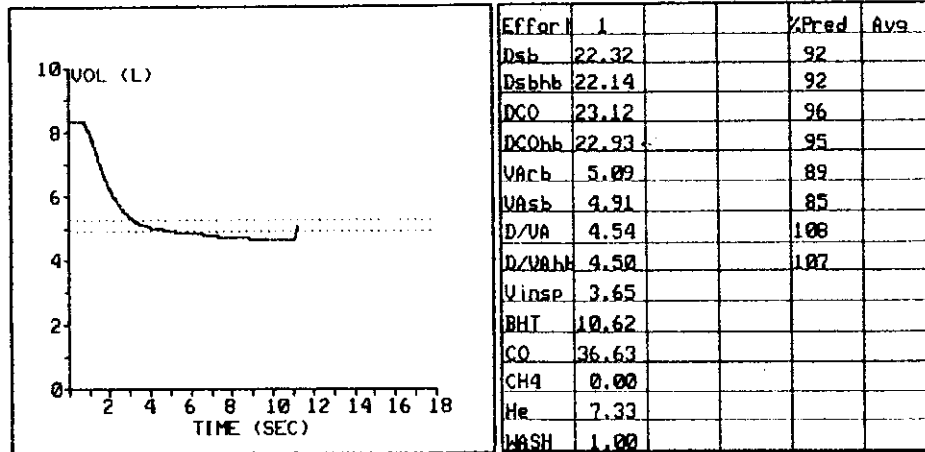
Pl. ID: 510302700

Date: 11/01/2001  
Set # : 0

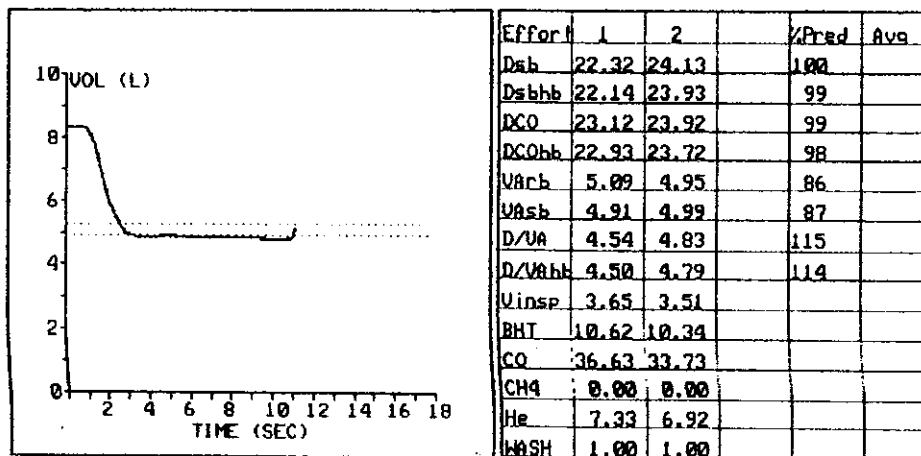


Effort	FVC	FEV1	FEV1%	F25/75	PEFR
Pred	3.64	2.53	69	2.53	7.90
3	2.07	0.59	28	0.44	0.88
4	3.09	2.31	74	1.64	3.06
5	3.13	2.57	82	2.67	4.00
6 BEST	3.20	2.52	78	2.29	5.70

Pt. Name: GUTHRIE Pl. ID: 510302708 Date: 11/01/2001  
 Pre-Drug Effort: 1 BP: 772 TEMP: 25.0



Pt. Name: GUTHRIE Pl. ID: 510302708 Date: 11/01/2001  
 Pre-Drug Effort: 2 BP: 772 TEMP: 25.0



Worker's Social Security #

Name: Last, First

Type of Reading

Group Designation:

510-30-2708

GUTHRIE, JAMES

A ☒ P

RB-407

1A. Date of X-Ray

4/27/01

1B. Film Quality

1 ☒ 2 ☒ 3 ☐ UR

If not Grade 1 Give reason:

scapulas

1C. Is film completely negative?

Yes ☐ Proceed to Sec 5 No ☒ Proceed to Sec 2

2A. Any Parenchymal abnormalities consistent with Pneumoconiosis?

Yes ☒ Complete 2B and 2C No ☐ Proceed to Section 3

2B. Small Opacities

a. Shape/Size

Primary	Secondary
p q r	p s q r
0 1 2	0 1 2

b. Zones

X	X
X	X
R	L

c. Profusion

0/1	0/2	0/3
1/1	1/2	1/3
2/1	2/2	2/3
3/1	3/2	3/3

2C. Large Opacities

Size ☒ A ☐ B ☐ C

Proceed to Section 3

3A. Any Pleural abnormalities consistent with Pneumoconiosis?

Yes ☒ Complete 3B, 3C, and 3D No ☐ Proceed to Section 4

3B. Pleural Thickening

a. Diaphragm (plaque)

Site ☐ R ☒ L

b. Costophrenic Angle

Site ☒ R ☐ L

3C. Pleural Thickening ... Chest Wall

a. Circumscribed (plaque)

Site	<input checked="" type="checkbox"/> R	<input type="checkbox"/> L
In Profile	<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C
i. width	0 1 2 3	0 1 2 3
ii. extent	0 1 2 3	0 1 2 3
Face On	0 1 2 3	0 1 2 3
iii. extent	0 1 2 3	0 1 2 3

b. Diffuse

Site	<input checked="" type="checkbox"/> R	<input type="checkbox"/> L
In Profile	<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C
i. width	0 1 2 3	0 1 2 3
ii. extent	0 1 2 3	0 1 2 3
Face On	0 1 2 3	0 1 2 3
iii. extent	0 1 2 3	0 1 2 3

3D. Pleural Calcification

Site	<input checked="" type="checkbox"/> R	Extent
a. Diaphragm...	0 1 2 3	
b. Wall...	0 1 2 3	
c. Other Sites...	0 1 2 3	

Site	<input type="checkbox"/> L	Extent
a. Diaphragm...	0 1 2 3	
b. Wall...	0 1 2 3	
c. Other Sites...	0 1 2 3	

Proceed to Section 4

4A. Any other abnormalities?

Yes ☒ Complete 4B and 4C No ☐ Proceed to Section 5

4B. Other Symbols (obligatory)

O	ax	bu	ca	cn	co	cp	cv	di	ef	em	es	fr	hi	ho	id	ih	kl	pi	px	rp	tb
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4C. Other Comments

Granulomas are present.

Should worker see personal physician because of comments in section 4C?

Yes ☐ No ☒

Proceed to Section 5

5. Film Reader's Initials

R C B

Physician's Social Security Number

2 7 2 5 6 2 2 7 1

Phys Name - Address

Richard C. Bernstein, M.D.  
Mobile Respiratory Assessment  
3042 C Berkmar Drive  
Charlottesville, VA 22901

Date of Reading

5/30/01

Richard C. Bernstein, M.D.  
Mobile Respiratory Assessment  
3042 C Berkmar Drive  
Charlottesville, VA 22901

CERTIFICATE OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 222 Rush Landing Road, P.O. Box 6169, Novato, California, 94948-6169.

On the date indicated below, I served the foregoing Statement of Case Status and attachments upon all counsel of record pursuant to the local rules of the United States District Court for the Northern District of California, upon filing with that Court, using that Court's transmission facilities by means of the Court's CM/ECF (Case Management / Electronic Case Filing) system.

On this \_\_\_\_ day of July 2007

/s/ John Derby

\_\_\_\_\_  
John Derby